MONTANA LEGISLATIVE HISTORY

Chapter 318 1999

Bill H _____ S 221 Original bill & history X C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	3-8	✓ C	Hearing Date(s)	1-25	✓ C
Exec. Action	3-18	✓ C	Exec Action	1-29	✓ C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

Senate BILL NO. 221

INTRODUCED BY D. Sherry
(Primary Sponsor)
Gov. Fred Thomas

BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE SHOWING NECESSARY FOR THE DISCOVERY OF CONSTITUTIONALLY PROTECTED MATERIAL; AMENDING SECTION 46-4-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, in State v. Nelson, 283 Mont. 231, 941 P.2d 441, 54 St. Rep. 576 (1997), the Montana Supreme Court held that discovery of constitutionally protected material, such as medical records, requires a showing of a compelling state interest.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-4-301, MCA, is amended to read:

"**46-4-301. Issuance of subpoena.** (1) Whenever a prosecutor has a duty to investigate alleged unlawful activity, any justice of the supreme court or district court judge of this state may cause subpoenas to be issued commanding the persons to whom they are directed to appear before the prosecutor and give testimony and produce books, records, papers, documents, and other objects as may be necessary and proper to the investigation.

(2) Except as provided in subsection (3), ~~A~~ a subpoena may be issued only when it appears upon the affidavit of the prosecutor that the administration of justice requires it to be issued.

(3) In the case of constitutionally protected material, such as but not limited to medical records or information, a subpoena may be issued only when it appears upon the affidavit of the prosecutor that a compelling state interest requires it to be issued. In order to establish a compelling state interest for the issuance of a subpoena, the prosecutor shall:

(a) state facts sufficient to support probable cause to believe that an offense has been committed;

(b) state facts sufficient to support probable cause to believe that books, records, papers, documents, or other objects, otherwise protected from discovery by a constitutional right, are relative to

the commission of that offense and are in possession of the person or institution to whom the subpoena is directed; and

(c) particularly describe what is being subpoenaed."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

- END -

2/19	Committee Executive Action--Bill Passed	18	0
2/20	Committee Report--Bill Passed		
2/22	2nd Reading Passed	49	0
2/23	3rd Reading Passed	49	0
	Transmitted to House		
3/02	Referred to Appropriations		
3/23	Hearing		
3/30	Committee Executive Action--Bill Concurred as Amended	16	2
3/30	Committee Report--Bill Concurred as Amended		
4/13	2nd Reading Concurred as Amended	95	3
4/13	3rd Reading Concurred	97	2
	Returned to Senate with Amendments		
4/15	2nd Reading House Amendments Concurred	50	0
4/16	3rd Reading Passed as Amended by House	50	0
4/16	Sent to Enrolling		
4/19	Returned from Enrolling		
4/20	Signed by President		
4/21	Signed by Speaker		
4/22	Transmitted to Governor		
4/27	Signed by Governor		
4/29	Chapter Number Assigned		
	Chapter Number 495		
	Effective Date: 7/01/1999 - All Sections		

SB 221 Introduced by Doherty, et al. *LC1501 Drafter: Petesch*

Clarify the Showing Necessary for Discovery of Constitutionally Protected Material;...

By Request of Senate Judiciary Standing Committee

1/18	Introduced and 1st Reading		
1/18	Referred to Judiciary		
1/25	Hearing		
2/01	Committee Executive Action--Bill Passed as Amended	9	0
2/01	Committee Report--Bill Passed as Amended		
2/04	2nd Reading Passed	50	0
2/05	3rd Reading Passed	49	0
	Transmitted to House		
2/16	Referred to Judiciary		
3/08	Hearing		
3/18	Committee Executive Action--Bill Concurred	15	2
3/18	Committee Report--Bill Concurred		
3/31	2nd Reading Concurred	96	3
4/01	3rd Reading Concurred	98	2
	Returned to Senate		
4/07	Sent to Enrolling		
4/08	Returned from Enrolling		
4/10	Signed by President		
4/12	Signed by Speaker		
4/12	Transmitted to Governor		
4/16	Signed by Governor		

SB 203 SPONSOR: Bartlett, Sue SHORT TITLE: Revise laws governing execution of judgment
REFERRED ON: 01/14/1999 HEARD ON: 01/26/1999
EXECUTIVE ACTION: 02/01/1999 Bill Passed -- VOTE: 9 - 0
FINAL DISPOSITION 03/17/1999 Chapter Number Assigned

SB 213 SPONSOR: Grosfield, Lorents SHORT TITLE: Sentence enhancement for discriminatory crimes
REFERRED ON: 01/15/1999 HEARD ON: 01/20/1999
EXECUTIVE ACTION: 01/26/1999 Bill Passed as Amended -- VOTE: 5 - 4
FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee

SB 215 SPONSOR: Bartlett, Sue SHORT TITLE: Increase maximum negligent homicide incarceration penalty
REFERRED ON: 01/16/1999 HEARD ON: 01/28/1999
EXECUTIVE ACTION: 02/01/1999 Bill Passed -- VOTE: 9 - 0
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

SB 221 SPONSOR: Doherty, Steve SHORT TITLE: Clarify showing required for discovery of constitutionally protected material
BY REQUEST OF: (S) Judiciary Standing Committee
REFERRED ON: 01/18/1999 HEARD ON: 01/25/1999
EXECUTIVE ACTION: 02/01/1999 Bill Passed as Amended -- VOTE: 9 - 0
FINAL DISPOSITION 04/16/1999 Chapter Number Assigned

SB 222 SPONSOR: Doherty, Steve SHORT TITLE: Eliminate certain statutes conflicting with supreme court rules on law practice
BY REQUEST OF: (S) Judiciary Standing Committee
REFERRED ON: 01/18/1999 HEARD ON: 01/25/1999
EXECUTIVE ACTION: 01/26/1999 Bill Passed -- VOTE: 8 - 0
FINAL DISPOSITION 03/30/1999 Chapter Number Assigned

SB 230 SPONSOR: Grimes, Duane SHORT TITLE: Clarify place of trial for action against county
BY REQUEST OF: (S) Judiciary Standing Committee
REFERRED ON: 01/19/1999 HEARD ON: 01/26/1999
EXECUTIVE ACTION: 01/26/1999 Bill Passed -- VOTE: 6 - 0
FINAL DISPOSITION 03/23/1999 Chapter Number Assigned

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on January 25, 1999 at 10:00 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:
Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: Sen. Ric Holden (R)

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 75, SB 221, SB 222, SB 250, 1/22/1999
Executive Action: SB 165, SB 213, SB 222

HEARING ON SB 250

Sponsor: **SEN. SUE BARTLETT, SD 27, Helena**

Proponents: **None**

Opponents: **John Larson, Missoula District Court Judge**

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SEN. DOHERTY closed on SB 222.

HEARING ON SB 221

Sponsor: **SEN. STEVE DOHERTY, SD 24, Great Falls**

Proponents: **John Connor, Montana County Attorneys Assoc.**

Opponents: **None**

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 24, Great Falls, introduced SB 221, which deals with the clarification of the showing necessary for the discovery of constitutionally protected material by a subpoena.

Proponents' Testimony: **John Connor, Montana County Attorneys Assoc.,** remarked that they have advised all county attorneys of their responsibilities under the Nelson decision and have sent a copy of a new investigative subpoena that should be used in those questionable areas. He recently reviewed an investigate subpoena dealing with health care information and realized that it was utilizing the old administration of justice standards. He suggested amendments to make the bill less inclined to be construed as a laundry list of materials that one seeks to obtain, **EXHIBIT(1).** Beginning on line 26, this would read, "In order to establish a compelling state interest for the issuance of such a subpoena, the prosecutor shall state facts and circumstances sufficient to show probable cause to believe that an offense has been committed and that the information relative to the commission of that offense is in the possession of the person or institution to whom the subpoena is directed."

Opponents' Testimony: None.

Informational Testimony:

Greg Petesch, Code Commissioner, remarked that the amendments address the underlying issue. He added that reasonable people may have different approaches to resolving the underlying issue.

Questions from Committee Members and Responses:

CHAIRMAN GROSFIELD asked who would be likely to receive a subpoena and how it would be served. **Mr. Connor** stated that the

amendment would apply most often to health care information. The Nelson decision does not define "constitutionally protected material". Another area that may fall within that phrase would be personnel records. The Court acknowledges that telephone toll records are not protected under one's right of privacy under the Montana Constitution so the lessor standard articulated in the first paragraph would be utilized in that situation. Their advice to prosecutors is to follow the probable cause standard whenever possible.

SEN. BARTLETT asked why line 3 on page 2 was being stricken. This required the person seeking the subpoena to particularly describe what is being subpoenaed. **Mr. Connor** explained that the language is generally related to a search warrant. As a practical matter, it is necessary to particularly describe what it is you are seeking in order to obtain it.

Closing by Sponsor:

SEN. DOHERTY remarked that this not only addresses medical or personnel records but tax returns as well. For the information that is constitutionally protected, there is a privacy interest at stake and the standard and showing needs to be higher for investigative subpoenas than the other material currently in subsection (1).

{Tape : 1; Side : A; Approx. Time Counter : 10.28}

HEARING ON SB 75

Sponsor: **SEN. MIKE HALLIGAN, SD 34, Missoula**

Proponents: **Steve Bullock, Department of Justice**
Wally Melcher, Developmental Disabilities System Advocacy Committee
Anita Roessmann, Montana Advocacy Program

Opponents: **Jerry Loendorf, Montana Medical Association**
Rose Hughes, Montana Health Care Association
Susan Good, Neurosurgeons, Orthopedic Surgeons, Anesthesiologists, ENT, and Ophthalmologists
Steve Browning, Montana Hospital Association

Opening Statement by Sponsor:

SEN. MIKE HALLIGAN, SD 34, Missoula, introduced SB 75. In 1995 the Montana Legislature established the Medicaid Fraud Control Unit in the Department of Justice. A criminal offense was specifically designed to address fraudulent activities. This

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 1-25-99
SB NO. SB-221

Amendments to Senate Bill 221
Introduced Bill

Prepared by John Connor
Department of Justice
January 25, 1999

1. Page 1, line 27.
Following: "of"
Insert: "such"
Following: "shall"
Insert: "state facts and circumstances sufficient to show probable cause to believe:"

2. Page 1, line 28.
Following: "(a)
Delete: "state facts sufficient to support probable cause to believe"
Following: ";"
Insert: "and"

3. Page 1, line 29.
Delete: line 29

4. Page 1, line 30.
Delete: "documents, or other objects, otherwise protected from discovery by a constitutional right, are"
Following: "are"
Insert: "the information"

5. Page 2, line 1.
Following: "offense"
Delete: "and are"
Insert: "is"
Following: "in"
Insert: "the"

6. Page 2, line 2.
Following: ";"
Delete: "and"
Insert: "."

7. Page 2, line 3.
Delete: line 3

MONTANA SENATE
1999 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL

DATE 1-25-97

NAME	PRESENT	ABSENT	EXCUSED
SEN. SUE BARTLETT	✓		
SEN. STEVE DOHERTY	✓		
SEN. DUANE GRIMES	✓		
SEN. MIKE HALLIGAN	✓		
SEN. RIC HOLDEN			✓
SEN. REINY JABS	✓		
SEN. WALT MC NUTT	✓		
SEN. AL BISHOP,VICE CHAIRMAN	✓		
SEN. LORENTS GROSFIELD, CHAIRMAN	✓		

DATE 1-25-99

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY:

S.B. 75, S.B. 221, S.B. 222

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Steve Bullock		Justice	75	r	
Kathy Seeley		Justice	75	X	
Jimmy Weg		Juctice - DCI	75	X	
John Connor		A.G - MCAA	221	✓	
Tori Thor		Montana Nurses' Assoc	75		✓
Lenz Loendorf		Mt Med Assn	75		✓
Steve Browning		MHA (Hospitals	75		✓
Craig Wecht		MT PIRG	75	✓	
Mike Yurk		neurosurgeons orthopedics anesthes, ENT	75		✓
Wally Melchior		DDSAC	75	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on January 29, 1999 at 9:00 A.M., in Room 420 Capitol.

ROLL CALL

Members Present:
Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted:
Executive Action: SB 16, SB 36, SB 75, SB 163, SB 198, SB 203, SB 215, SB 221

EXECUTIVE ACTION ON SB 16

SEN. GRIMES remarked that he has obtained a list of actions being taken by other states regarding the Y2K problem. He asked that SB 16 be placed in a subcommittee that would thoroughly review the issue and come back to the committee with a proposal regarding the bill. He also suggested expanding the scope of the subcommittee. Potential impacts on consumers include power outages, loss of phone service, difficulty in paying bills with

EXECUTIVE ACTION ON SB 198

Motion/Vote: SEN. HALLIGAN moved that SB 198 BE TABLED. Motion carried 8-1 with Doherty voting no.

EXECUTIVE ACTION ON SB 221

Motion: SEN. DOHERTY moved that SB 221 BE AMENDED, EXHIBIT(8).

Discussion:

SEN. DOHERTY related that the amendments clarify the language and make it conform to traditional issuance of subpoena language.

Vote: Motion carried unanimously.

Motion/Vote: SEN. DOHERTY moved that SB 221 DO PASS AS AMENDED. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 11.08}

EXECUTIVE ACTION ON SB 75

Motion: SEN. HALLIGAN moved that SB 75 BE AMENDED, SB007501.avl. EXHIBIT(9).

Discussion:

SEN. HALLIGAN explained that on page 4, section 3, of the bill the issue was raised that if surgery was done it would cause bodily injury. The first amendment addresses the surgical procedure issue or any treatment or care issues association with exempting it from mistreatment of a patient.

Steve Bulloch, Department of Justice, explained that the first amendment addressed a concern expressed that doctors and other providers could be prosecuted as part of basic treatment of a patient. Amendment no. 2 eliminates the omission language, the failure to dodge services. Amendment no. 3 ties the language to the existing definitions within Title 50. Amendment no. 4 makes it a misdemeanor to fail to maintain records. A concern was expressed that this would be used to review the records to see if medical necessity for the treatment was addressed. In section 5, they wanted to make certain that the mental state for not maintaining the records was a purposeful or knowing negligence.

SEN. GRIMES claimed that care by a non-physician needed to be covered. Mr. Bulloch affirmed that this would cover any provider. He added that Jerry Loendorf, Montana Medical

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 1-29-99
SB NO. SB221

Amendments to Senate Bill No. 221
1st Reading Copy

For the Senate Judiciary Committee

Proposed by John Connor of County Attorneys Assoc.
Prepared by Valencia Lane
January 26, 1999

1. Page 1, line 27.
Following: "of"
Insert: "such"
Following: "shall"
Strike: ":"

2. Page 1, line 28.
Strike: "(a)"
Following: "facts"
Insert: "and circumstances"
Following: "that"
Insert: ": (a)"
Following: "committed;"
Insert: "and"

3. Page 1, line 29 through line 30.
Following: "(b)" on line 29
Strike: remainder of line 29 through "are" on line 30
Insert: "the information"

4. Page 2, line 1.
Following: "offense"
Strike: "and are"
Insert: "is"
Following: "in"
Insert: "the"

5. Page 2, line 2.
Following: "directed"
Strike: "; and"
Insert: "."

6. Page 2, line 3.
Strike: subsection (c) in its entirety

- END -

Cross-Appellants' Objections, and the responses of the referenced *amicus curiae*,

IT IS ORDERED:

1. ¶ 103 of this Court's August 4, 1998 Opinion (Slip Op. at pp. 49-50) is hereby withdrawn and replaced with the following:

****

¶103 In summary, we conclude that, as applied in this case, Montana's post-judgment execution statutes violate state and federal constitutional guarantees of due process of law because they do not provide for notice to a judgment debtor of the seizure of the debtor's property, of the availability of statutory exemptions from execution and where to locate additional information about them, and of the availability of procedures by which to claim exemptions from execution. We further conclude that, as applied in this case, the statutes are deficient from a due process standpoint because they do not provide for a prompt hearing on claimed exemptions. Moreover, the District Court's failure to specify whether it was addressing the statutes on a facial or as applied basis notwithstanding, we deem the court's conclusion to have been on an as applied basis and hold that the District Court did not err in determining that Montana's post-judgment execution statutes are unconstitutional as applied because they do not provide the procedural due process of law required by Article II, Section 17 of the Montana Constitution and the Fourteenth Amendment to the United States Constitution.

****

2. In all other respects, Appellants' and Cross-Respondents' Petition for Rehearing is DENIED. Let Remittitur issue forthwith.

3. The Clerk is directed to mail true copies of this Order to counsel of record, to the State Reporter Publishing Company, to West Group and to all Montana District Court Judges.

DATED this 12th day of November, 1998.

/S/ J. A. TURNAGE

/S/ KARLA M. GRAY

/S/ W. WILLIAM LEAPHART

/S/ WILLIAM E. HUNT, SR.

/S/ JIM REGNIER

Justice James C. Nelson and Justice Terry N. Trieweiler would deny the petition for rehearing outright.

SB 214 SPONSOR: Bartlett, Sue SHORT TITLE: Revise laws relating to sheriff's levy and sale for collection of taxes
REFERRED ON: 02/16/1999 HEARD ON: 03/02/1999
EXECUTIVE ACTION: 03/08/1999 Bill Concurred as Amended -- VOTE: 11 - 9
FINAL DISPOSITION 03/30/1999 Chapter Number Assigned

SB 215 SPONSOR: Bartlett, Sue SHORT TITLE: Increase maximum negligent homicide incarceration penalty
REFERRED ON: 02/16/1999 HEARD ON: 03/11/1999
EXECUTIVE ACTION: 03/18/1999 Bill Concurred -- VOTE: 10 - 7
FINAL DISPOSITION 04/22/1999 Chapter Number Assigned

SB 221 SPONSOR: Doherty, Steve SHORT TITLE: Clarify showing required for discovery of constitutionally protected material
BY REQUEST OF: (S) Judiciary Standing Committee
REFERRED ON: 02/16/1999 HEARD ON: 03/08/1999
EXECUTIVE ACTION: 03/18/1999 Bill Concurred -- VOTE: 15 - 2
FINAL DISPOSITION 04/16/1999 Chapter Number Assigned

SB 222 SPONSOR: Doherty, Steve SHORT TITLE: Eliminate certain statutes conflicting with supreme court rules on law practice
BY REQUEST OF: (S) Judiciary Standing Committee
REFERRED ON: 02/16/1999 HEARD ON: 03/08/1999
EXECUTIVE ACTION: 03/09/1999 Bill Concurred as Amended -- VOTE: 14 - 6
FINAL DISPOSITION 03/30/1999 Chapter Number Assigned

SB 230 SPONSOR: Grimes, Duane SHORT TITLE: Clarify place of trial for action against county
BY REQUEST OF: (S) Judiciary Standing Committee
REFERRED ON: 02/16/1999 HEARD ON: 03/08/1999
EXECUTIVE ACTION: 03/08/1999 Bill Concurred -- VOTE: 17 - 2
FINAL DISPOSITION 03/23/1999 Chapter Number Assigned

SB 232 SPONSOR: DePratu, Bob SHORT TITLE: Clarify acts not prohibited by the one action limitation in foreclosure suits
REFERRED ON: 02/16/1999 HEARD ON: 03/10/1999
EXECUTIVE ACTION: 03/22/1999 Bill Concurred as Amended -- VOTE: 12 - 8
FINAL DISPOSITION 04/20/1999 Chapter Number Assigned

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 8, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 230, SB 221, SB 222, SB 165, 3/2/1999

Motion: REP. CURTISS moved SB 16-DO NOT CONCUR IN.
Motion/Vote: REP. MCGEE moved that SB 16 BE TABLED. Motion carried 17-3 with Ahner, Anderson, and Younkin voting no.
{Tape : 1; Side : A; Approx. Time Counter : 120 - 198}

(Senator Doherty now in attendance to present his bill)

HEARING ON SB 221

Sponsor:

Senator Doherty presented SB 221.
{Tape : 1; Side : A; Approx. Time Counter : 198 - 219}

Proponents:

Greg Petesch, Code Commissioner
{Tape : 1; Side : A; Approx. Time Counter : 219 - 260}

Opponents:

None
Informational Testimony:

None
Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 260 - 550}

Closing by Sponsor:

Senator Doherty made closing statements.
{Tape : 1; Side : B; Approx. Time Counter : 0 - 12}

HEARING ON SB 222

Sponsor:

Senator Doherty presented SB 222.
{Tape : 1; Side : B; Approx. Time Counter : 12 - 53}

Proponents:

Greg Petesch, Code Commissioner
{Tape : 1; Side : B; Approx. Time Counter : 53 - 89}

HOUSE OF REPRESENTATIVE
ROLL CALL

JUDICIARY COMMITTEE

DATE 3/8/99

NAME	PRESENT	ABSENT	EXCUSED
Robert C. Clark, chair	✓		
Dan McGee, vice chair	✓		
Diana Wyatt, vice chair	✓		
Chris Ahner	✓		
Shiell Anderson	✓		
Paul Clark	✓		
Aubyn A. Curtiss	✓		
Bill Eggers	✓		
Tom Facey	✓		
Steven Gallus	✓		
~~Gail Gutsche~~	✓		
~~Joan Hurdle~~	✓		
~~Rick Jore~~	✓		
Sam Kitzenberg	✓		
Brad Molnar	✓		
Mark Noenning	✓		
Jim Shockley	✓		
Loren Soft	✓		
Carol Williams	✓		
Cindy Younkin	✓		

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

HOUSE JUDICIARY COMMITTEE

DATE 3/8/99

BILL NO. SB 221 SPONSOR(S) Steve Doherty

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

TYPE	NAME	ADDRESS	REPRESENTING

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 18, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Loren Soft (R)

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 198, SB 506, SB 507, 3/15/1999

Executive Action: SB 158, SB 506, SB 507-Tabled; SB 215-Be Concurred In, SB 221-Be Concurred In, SB 190-Be Concurred In

HEARING ON SB 198

Sponsor:

Senator Christiaens presented SB 198.
{Tape : 1; Side : A; Approx. Time Counter : 30 - 203}

Proponents:

None

Opponents:

Rick Day, Dept. of Corrections
{Tape : 1; Side : A; Approx. Time Counter : 203 - 355}

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 355 - 550}
{Tape : 1; Side : B; Approx. Time Counter : 0 - 371}

Closing by Sponsor:

Senator Christiaens made closing statements.
{Tape : 1; Side : B; Approx. Time Counter : 371 - 550}

EXHIBIT(1)

HEARING ON SB 506 & SB 507

Sponsor:

Senator Grimes unable to attend, Rep. McGee presented SB 506 & SB 507.

Senator Grimes requested SB 506 & SB 507 be tabled immediately.

EXECUTIVE ACTION ON SB 506 & SB 507

Motion/Vote: REP. SHOCKLEY moved SB 506 & SB 507. Motion carried 16-1. Rep. Molnar voted no.
(Rep. Gallus, Gutsche and Soft absent)
{Tape : 2; Side : A; Approx. Time Counter : 0 - 63}

EXECUTIVE ACTION ON SB 158

Motion: REP. AHNER moved that SB 158 BE CONCURRED IN.
Motion/Vote: REP. WILLIAMS moved that SB 158 BE TABLED. Motion carried 14-2 with Molnar and Noennig voting no.
(Rep. Gallus, Gutsche, Soft and Curtiss absent)
{Tape : 2; Side : A; Approx. Time Counter : 63 - 112}

EXECUTIVE ACTION ON SB 221

Motion/Vote: REP. AHNER moved that SB 221 BE CONCURRED IN. Motion carried 15-2 with Curtiss and Jore voting no.
(Rep. Gallus, Gutsche and Soft absent)
{Tape : 2; Side : A; Approx. Time Counter : 112 - 158}

EXECUTIVE ACTION ON SB 190

Motion/Vote: REP. AHNER moved that SB 190 BE CONCURRED IN. Motion carried 17-0.
(Rep. Gallus, Gutsche and Soft absent)
{Tape : 2; Side : A; Approx. Time Counter : 158 - 242}

EXECUTIVE ACTION ON SB 215

Motion/Vote: REP. AHNER moved that SB 215 BE CONCURRED IN. Motion carried 10-7 with Ahner, Hurdle, Jore, Kitzenberg, McGee, Molnar, and Shockley voting no.
(Rep. Gallus, Gutsche and Soft absent)
{Tape : 2; Side : A; Approx. Time Counter : 242 - 550}
{Tape : 2; Side : B; Approx. Time Counter : 0 - 140}

EXECUTIVE ACTION ON SB 16

HOUSE OF REPRESENTATIVE
ROLL CALL

JUDICIARY COMMITTEE

DATE 3/18/99

NAME	PRESENT	ABSENT	EXCUSED
Robert C. Clark, chair			
Dan McGee, vice chair			
Diana Wyatt, vice chair			
Chris Ahner			
Shiell Anderson			
Paul Clark			
Aubyn A. Curtiss			
Bill Eggers			
Tom Facey			
Steven Gallus			
Gail Gutsche			
Joan Hurdle			
Rick Jore			
Sam Kitzenberg			
Brad Molnar			
Mark Noenning			
Jim Shockley			
Loren Soft			
Carol Williams			
Cindy Younkin			

HOUSE OF REPRESENTATIVE
ROLL CALL

JUDICIARY COMMITTEE

DATE 3/18/99

NAME	PRESENT	ABSENT	EXCUSED
Robert C. Clark, chair			
Dan McGee, vice chair			
Diana Wyatt, vice chair			
Chris Ahner			
Shiell Anderson			
Paul Clark			
Aubyn A. Curtiss			
Bill Eggers			
Tom Facey			
Steven Gallus			
Gail Gutsche			
Joan Hurdle			
Rick Jore			
Sam Kitzenberg			
Brad Molnar			
Mark Noenning			
Jim Shockley			
Loren Soft			
Carol Williams			
Cindy Younkin			

PCL XL error

Subsystem: KERNEL

Error: IllegalTag

Operator: 0x1b

Position: 20

HOUSE STANDING COMMITTEE REPORT

March 18, 1999

Mr. Speaker:

We, your committee on **Judiciary** report that **Senate Bill 221** (third reading copy -- blue) be **concurred in.**

Signed: Robert Bob Clark
Representative Robert C. Clark, Chair

To be carried by Representative Cindy Younkin

- END -

Committee Vote:
Yes 15, No 2.

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3/18